MGN

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE SIDE

WRIT PETITION NO.7071 of 2006

Shri Suresh Bhujangrao Akkalkotkar..Petitioner

Versus

The State of Maharashtra & Ors.....Respondents

Mr. Ajit Ram Pitale, for the Petitioner
Mrs. M.P. Thakur, AGP for respondents.

CORAM : F.I. REBELLO &
R.M.SAVANT, JJ.
DATED : 9TH MARCH, 2007.

P.C.

. The only contention raised by the petitioner is that the inquiry was not instituted before retirement and consequently provisions of Rule 27(2) and (3) of M.C.S. Pension Rules 1982 will apply. In the instant case we find that the Charge Sheet was served on 13th April, 1999. He retired on 31st October, 2000. Therefore, what would be applicable is Rule 27(2)(a). Once that be the case the only contention urged on behalf of the petitioner that the enquiry was not instituted before retirement must be rejected. It may be pointed out that the contention of the petitioner is that mere service of charge sheet is not sufficient. We beg to defer. Once the charge sheet is served then on the basis of the charge sheet the enquiry is initiated. Hence no interference is called for with the impugned order of the tribunal. Petition rejected.

(**F.I.REBELLO**, J)

(R.M.SAVANT,J.)